

REMARKS

Claims 1, 3-16 and 18-23 are pending. Claims 1, 16 and 20, the only independent claims, have been amended. Claims 2, 17 and 21 have been cancelled without prejudice.

Initially, the Examiner did not acknowledge receipt of the certified copy of the priority document for this application. The certified copy was filed together with the original application papers. Acknowledgement is requested in the next Office Action.

Claim 1 was rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,566,022 (Segev). Claims 16, 18, 19, 20, 22 and 23 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,218,356 (Knapp). Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Segev in view of U.S. Patent 3,866,121 (Nakamura). Claims 5, 7 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Segev and Nakamura, in further view of Knapp. Claims 6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Segev, Nakamura and Knapp, in further view of U.S. Patent 6,275,886 (Levy). Applicant submits that amended independent claims 1, 16 and 20 are patentable for at least the following reasons.

Amended claim 1 recites, *inter alia*, first and second wireless communication apparatuses respectively having transmitting antenna and receiving antenna in which, when an irradiating angle or an angle of field of view is equal to  $0^\circ$  and  $\pm 45^\circ$  an antenna gain is equal to a predetermined value or more. It was conceded in the Office Action that Segev did not teach this feature. However, the position was taken that Nakamura taught this feature and it would have been obvious to combine the two references.

To set forth a *prima facie* case of obviousness based on a combination of prior art references, there must be some motivation to combine the references in the manner proposed.

Applicant submits that there would have been no motivation to combine the Segev and Nakumara references at all, still less in the proposed manner.

First, Segev relates to a system having relay units for receiving and transmitting infrared signals through free air, in particular within and between rooms in a building. Relay units are mounted on walls and can communicate through the walls in a number of ways. See col. 4, lines 44-67. The data rates envisioned by Segev are on the order of 2Mbit/sec for intercell (between rooms) and 150-200 Kbit/sec for intracell (within a room). Nakumura, on the other hand, relates to a microwave relay system in which signals are relayed over long distances. Nakumura system is designed to mitigate the effects of signal attenuation characteristic of signals of 10 GHz or higher.

It is submitted that no one would have looked to the microwave system of Nakumura, used for transmission over long distances, for features to add to the infrared communication system of Segev, used for communication within and between rooms in a building. The alleged motivation provided for combining the references at page 6 of the office, that “it would have been obvious . . . for the purpose of using a microwave relay system” is not legally sufficient at least because it would be absurd, and possibly dangerous, to use microwave relays for communication within a building. Thus, no one would have made the combination proposed in the Office Action and for at least this reason, no *prima facie* case has been set forth in support of the rejection based on the combination.

For at least this reason, amended claim 1 is believed patentable over the cited references.

Amended claims 16 and 20 recite the feature discussed above with reference to claim 1. The rejections of now-cancelled claims 17 and 21, the features of which were incorporated into amended claims 16 and 20, respectively, were based upon a proposed combination of Knapp and Nakumura. Similarly to the proposed combination of Nakumura

and Segev, there would have been no motivation to combine Knapp and Nakumura in the proposed manner since Knapp, like Segev, relates to an indoor data relay system, whereas Nakumura relates to a microwave transmission system. No one would have even considered using the microwave relay structures of Nakumura in combination with those of Knapp at all, still less in the proposed manner. For at least this reason, no *prima facie* case of obviousness has been set forth and claims 16 and 20 are patentable.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

By Richard LaCava  
Richard LaCava

Registration No.: 41,135  
DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP  
1177 Avenue of the Americas  
41st Floor  
New York, New York 10036-2714  
(212) 835-1400  
Attorney for Applicant